

Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, November 3, 2009 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:00 p.m.

Planning Board Members Present: Vice Chair Paul Tee, Shirley Shiver, Paul Sauvageau, and Robert Ceppi.

Planning Board Member Absent: Chairman Fabio Carrera.

Staff present: Adam Gaudette, Town Planner.

New Business:

A. Amendment to Certificate of Definitive Plan Approval – The Reserve at Old Sibley Farm, Route 9 and Greenville Street. Mr. Gaudette gave a brief summary of the project to the Board. The subdivision plan was approved by the Planning Board on August 22, 2005. The applicant already received one extension which the Board granted on October 7, 2008 for one year. The applicant now has requested another extension. A letter from the Sewer Commission dated October 29, 2009, stated that the reservation of Sewer Capacity for Old Sibley Farm has expired as of October, 2009, and the Commission has not yet received any contact from Sibley Farm.

Note: Mr. Edward Pesce and Mr. Chip Webster, representatives from Sibley Farm, are present at tonight's hearing.

Mr. Pesce explained the Sewer Commission had approved the sewer extension application to DEP. DEP responded back with comments on the infrastructure which have been addressed. There was another comment on the sewer pump station design. He had worked out solutions and submitted a revised plan to DEP. He is waiting for final approval from DEP.

Ms. Shiver asked when the last comments were issued by DEP.

Mr. Pesce said he received the comment on the pump station design from DEP about 3 months ago, and he has been going back and forth with DEP since. He believes the matter will be finalized soon.

Mr. Webster said the current market conditions are another reason for this request. He is still interested in Green Energy. At the Annual Fall Town Meeting (October 29, 2009), the Town had voted and adopted the Wind Energy Conversion Bylaw amendment. He also has learned that David Prouty Senior High School, an abutting property, is considering having a Wind Turbine on their property. In addition, a wind study is being done for the Sibley property and it is possible that the study covers/overlays onto part of the High School's property. He will contact the High School's management and is hoping to be able to collaborate with them. *(The Board asked to have a copy of the wind study submitted to Mr. Gaudette).*

Mr. Tee asked if anything has been done to the property, or any changes made to the plan.

Mr. Gaudette replied nothing has been done to the property, and there is no change to the existing definitive subdivision plan, as part of this extension request.

The following were additional questions from the Board:

The plan proposes to construct multi-family and single-family housing units. The Board asked which type is planned to be built first and when is it to start?

Mr. Pesce stated that based on market research, the housing project with rental units would be constructed first (in the front section of the property). He has contacted a consultant firm to look into construction financing programs. He is still waiting for feedback, thus the starting time has not yet been established.

With the current economic conditions, the Board asked whether there is enough of a market for housing rentals and affordable housing rentals.

Mr. Pesce said a study and research on the rental market has been conducted throughout the region for the past several years, and in terms of the market forecast he will have that information available in the near future.

Is the project providing any affordable housing, and if there is, how many units?

Mr. Pesce stated part of the conditions in the special permit issued by the ZBA, is mandating Sibley to provide 25 units as affordable housing. The units will be dispersed throughout the development.

In reference to the project design, how many units will be built in the first Phase?
Also, when will the special permit, which was issued by the ZBA, expire?

Mr. Pesce said the first phase would consist of 24 units. The Special Permit was issued on April, 8, 2008, and will expire on April 8, 2010.

In regards to the letter issued by the Sewer Commission; it stated the reservation of Sewer Capacity has expired on October 29, 2009. According to Mr. Pesce, DEP's Peer Engineer is

still auditing and reviewing the sewer design plan. Ms. Shiver then asked whether the Sewer Commission has acknowledged this.

Mr. Pesce said that the Sewer Commission is aware of this. He did receive bills from Mr. Mark Robidoux, Sewer Department Superintendent, for peer engineer review on the sewer design plan.

Mr. Gaudette said he was informed by the Town Collector that Sibley is delinquent on its real estate taxes. He has concerns on the feasibility of the project to move forward.

Mr. Pesce said that he was unaware of the situation. The real estate tax bill is supposed to be handled by Sibley's Financing Agent. He will follow up with them.

At this time, Mr. Tee opened the hearing to the public for any comments and questions:

Mr. David Mainville of 20 Polar Springs Road was concerned about the Town's sewer capacity. The sewer application from Sibley's project was approved several years ago, and the project has yet to start. Subsequently, there are several subdivisions in Town that had already received approvals from Sewer Commission. Mr. Mainville asked if the Town has enough sewer capacity to accommodate Sibley's project.

The Board said the Sewer Commission has reserved the sewer capacity for Sibley when the sewer application was approved. As for any new sewer applications, the Sewer Commission should not grant permits beyond what it has left available in terms of capacity.

Mr. Gaudette explained that sewer design plan is required to be reviewed by DEP. If DEP determines the Town does not have enough capacity to accommodate Sibley's sewer system, they will not sign off on a final approval on sewer permit. If that is the case, Sibley must seek other alternatives.

Mr. Mainville was also concerned on the number of students increasing as people start to move in and reside in the development. Mr. Mainville inquired as to the number of school-aged children that could be generated by the development, and whether the Town has enough school space to accommodate the additional students.

Mr. Ceppi said when Sibley submitted the application for definitive subdivision plan, it had provided a report on community impacts, and it was reviewed by the Board. The report had demonstrated that the number of school age population in the Sibley project is relatively small in comparison to the overall school age population of the Town.

Mr. Gaudette said the sewer capacity of 91,000 gallons per day was based on data given from that report; number of units, number of bedrooms, etc. That amount has already been reserved for Sibley as stated in the letter from the Sewer Commission that was presented tonight.

At this time, there was an inquiry in regards to CDBG funding. The question was, whether the funds can be used for constructing new homes, in the center of town, for senior citizens with low income.

Mr. Gaudette said the town received CDBG award of \$750,000.00 in 2008. The funding is to provide for specific programs, which are:

- ❖ Downtown Study. This funding is provided for a study of the downtown center area. A consulting firm was hired to work with the residents to figure out what is needed and to help revitalize the town center. Currently, a group of residents, the Town Planner, and the consultant meet and hold public workshops on a regular basis.
- ❖ Housing Rehabilitation Program. Both home owners and landlords are eligible to apply; in case of home owners, they must be income eligible, and in case of landlords, the tenants must be income eligible. A consulting firm was hired to administer the process.

Mr. Gaudette stated that the Housing Rehabilitation program provides for certain improvements to *existing homes*, not for constructing new homes.

With no further additional comments and questions from the Board and the public, Ms. Shiver made a motion to close the hearing at 7:40 p.m. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Mr. Ceppi made a motion to grant Olde Sibley Farm Realty Partners, LLC, a one year extension on the definitive subdivision plan which was previously approved by the Planning Board on November 14, 2005, and amended on October 7, 2008. Ms. Shiver seconded the motion and the vote was 4-0 in favor.

Mr. Gaudette explained that once the decision has been filed with the Town Clerk, staff from ODIS will mail the copy of the decision along with the instructions to the applicant, and to all abutters.

B. ANR Plan – Spencer Development, LLC, 162 & 166 Northwest Road, for boundary line adjustment. Mr. Gaudette explained that the applicant owns about 100 acres of land on Northwest Road. Previously, the applicant had applied for an ANR plan for the creation of estate lots and the plan was approved by the Planning Board. At the present time, the existing lots are considered grandfathered and that grandfather status will end in 2011.

Andrews Survey & Engineering, representing the applicant, had contacted Mr. Gaudette on the ANR application for a boundary line adjustment. The plan is to combine Parcel A with Lot 6; the new lot will be called Lot 6R. Parcel B will be combined with Lot 7, the new lot will call Lot 7R. Lot 6R will have 60,000 square feet, and Lot 7R will have 61,305 square feet. Mr. Gaudette did review the plan and requested to have detailed information (total lot area, wetlands, and note any decisions by the Planning Board and the Zoning Board in regards to the land or any building) be included on the plan. The revised plan is presented to the Board tonight. Mr. Gaudette said the plan met the requirements of the Spencer Subdivision Regulations.

The applicant, Mr. Larry Rosenberg, who is also present in the meeting tonight, said he has an offer to purchase the property. He thinks it is a good idea to adjust the existing lots to be in conformity with the lot's requirement in accordance with the current Spencer Zoning Bylaw. Also, due to the lots will lose grandfather status in 2011; this will eliminate any confusion and questions in the future for everyone involved.

At this time the Board was reviewing the plan. Ms. Shiver made a motion to accept the ANR plan as presented tonight, and to have Mr. Gaudette endorse the plan. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Other Discussion: General Board Discussion

A. Conceptual Plan for Common Driveways - Cranberry Meadow Road. Mr. Gaudette stated that Mr. Philip Stoddard, who owns property on Cranberry Meadow Road, contacted him and asked if he could have an informal discussion with the Board in regards to a conceptual plan for common driveways on his property.

Mr. Stoddard is attending tonight's meeting to present his proposed plan. The plan proposes to have two proposed common driveways; one is between two estate lots; and the other is between two front lots. *He pointed out the locations of the proposed common driveways on the plan.*

The Board and Mr. Gaudette went over the proposed plan at this time. After much discussion, the Board stated they want to review the proposed plan with the Spencer Zoning Bylaw, Section 5.3.10 Rear Lot Subdivision. They will then give comments and recommendations to Mr. Stoddard thereafter.

Mr. Gaudette advised Mr. Stoddard to attend the Staff Technical Review's meeting after the proposed plan has been revised to discuss comments/recommendations given by the Board. (Staff who participate in the meetings are the Town Administrator, Town Planner, U&F Superintendent, Board of Health Agent, Building Inspector, ConCom Agent, Police Chief, Fire Chief, Highway Dept, and Sewer Commissioner). The meetings are scheduled on the third Wednesday of every month and are open to the public, and also the applicants.

Mr. Gaudette invited Mr. Stoddard to come to the meeting and to make a presentation of his proposed plan. Staff will have an opportunity to discuss any issues, problems with the plan, and the applicant then has an opportunity to make any changes to the plan prior to the submittal.

B. Site Plan Review for ANSAR. There have been discussions on the solar panel farm for property located at R. Jones Road and owned by Mr. Cliff Leinonen. ANSAR Energy, LLC, is interested in doing a photovoltaic solar panel farm on his property. The site plan was submitted to Mr. Gaudette which was presented to the Board in a previous meeting. Due to the wetlands on the property, Mr. Gaudette advised Mr. Leinonen to contact the Conservation Commission (ConCom) in regards to an ANRAD application.

According to Ms. Ginny Scarlet, ConCom Agent, all required information has not been submitted with the application, thus the Commissioners will not review the application. Mr. Gaudette said he still needs a drainage calculation report, application fee, and the retaining fee for third party engineering review in order to start the process of the site plan review. Both Mr. Leinonen and ANSAR Energy are aware of the requirements and have yet to provide them to ODIS.

The Board advised Mr. Gaudette not to accept the application due to its lacking the essential requirements for an application submittal. The Board directed Mr. Gaudette to send an "incomplete application letter" to all parties involved. Mr. Gaudette said he will do that.

C. Planning Board Meeting Schedule for 2010. Mr. Gaudette presented a schedule to the Board for review. The new schedule must be filed and posted with the Town Clerk prior to January 1, 2010, thus the motion for an approval by the Board shall be made before the end of 2009.

Approval of Minutes: For October 20, 2009.

Mr. Sauvageau made a motion to accept the minutes for October 20, 2009. Ms. Shiver seconded the motion and the vote was 3-0 in favor with Mr. Ceppi abstaining.

Mr. Ceppi made a motion to adjourn the meeting at 8:45 p.m. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Submitted By:

Approved By:

Bea Meechan, Senior Clerk
ODIS

Paul Tee
Planning Board Vice Chairman